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The Honorable Ronald B. Leighton
United States District Court Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JUDITH COX and CHARLES COX individually
and as Personal Representatives of the Estates of
C.J.P. and B.T.P.,

Plaintiffs,

v.

STATE OF WASHINGTON, DEPARTMENT
OF SOCIAL AND HEALTH SERVICES,
FOREST JACOBSON, ROCKY
STEPHENSON, JANE WILSON, and BILLIE
REED-LYYSKI,

Defendants.

NO. 14-05923RBL

**DECLARATION OF EVAN BRIAULT
IN SUPPORT OF PLAINTIFFS'
RESPONSE TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT**

I, Evan Briault, hereby declare as follows:

1. I am an attorney of record for plaintiffs. I make this declaration based on personal knowledge and am competent to testify to the matters contained herein.
2. On July 3, 2014, DSHS filed a motion for summary judgment to dismiss plaintiffs' state law claims in Pierce County Superior Court Case No. 12-2-11389-6. The motion was based on precisely

DECLARATION OF EVAN BRIAULT IN SUPPORT
OF PLAINTIFFS' RESPONSE TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT - 1

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FREY BUCK, P.S.
1200 FIFTH AVENUE, SUITE 1900
SEATTLE, WA 98101
P: (206) 486-8000 F: (206) 902-9660

the same grounds as DSHS' current motion. Indeed, a review of the two motions side-by-side demonstrates DSHS copied and pasted the majority of its previous motion into the current motion.

3. Oral argument on DSHS' summary judgment motion was held on August 15, 2014, after the parties' submitted briefing and exhibits that totaled over 950 pages. The state court denied DSHS' motion.

4. On September 17, 2014, plaintiffs moved to amend their complaint to add federal civil rights claims against individual social workers. The state court granted plaintiffs' motion and the case was later removed to this Court. *See* Dkt. 1.

5. Attached hereto are true and correct copies of the following exhibits:

Exhibit 1 – A newspaper article published by the Seattle Times on August 17, 2015.

Exhibit 2 – DSHS' motion for summary judgment in Pierce County Superior Court without accompanying declarations or exhibits.

Exhibit 3 – A printout of the superior court docket.

Exhibit 4 – Plaintiffs’ Response to DSHS’ Summary Judgment motion in Pierce County Superior Court without accompanying declarations or exhibits.

Exhibit 5 – Pierce County Superior Court Order Denying Motion for Summary Judgment.

Exhibit 6 – Dependency Petition.

Exhibit 7 – Excerpts from the Deposition of Dr. James Manley.

I DECLARE UNDER PENALTY OF PERJURY OF THE LAWS OF THE UNITED STATES THAT THE FOREGOING IS TRUE AND CORRECT.

/s/ Evan Bariault
Evan D. Bariault, WSBA #42867

DECLARATION OF EVAN BRIAULT IN SUPPORT
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FREY BUCK, P.S.
1200 FIFTH AVENUE, SUITE 1900
SEATTLE, WA 98101
P: (206) 486-8000 F: (206) 902-9660

Certificate of Service

I certify that on the date noted below I electronically filed this document entitled with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons:

Joseph M. Diaz, WSBA #16170
josephd@atg.wa.gov

James S. Rogers, WSBA #5335
jsr@jsrogerslaw.com

Peter Helmberger, WSBA #23041
peterh@atg.wa.gov

Cheryl L. Snow, WSBA #26757
csnow@jsrogerslaw.com

Jodie@atg.wa.gov

Elizabeth J. Donaldson, WSBA #45291

Jennym@atg.wa.gov

liz@jsrogerslaw.com

TORTacEF@atg.wa.gov

Dawn@isrogerslaw.ca

Office of the Attorney General

Law Offices of James S. Rogers

Office of the Attorney General
1250 Pacific Street, Suite 1000

Law Offices of James
1500 Fourth Avenue

1250 Pacific Street, S.
Post Office Box 2317

1500 Fourth Avenue, Suite 500
Seattle, WA 98101

Post Office Box 2317
Tampa, FL 33640-2317

Seattle, WA 98103
(206) 521-8525

Tacoma, WA 98402

(206) 621-8525

Attorneys for Defendant

Attorneys for Plaintiffs

DATED this 17th day of August, 2015, at Seattle, Washington.

/s/ Evan Bariault

DECLARATION OF EVAN BRIAULT IN SUPPORT
OF PLAINTIFFS' RESPONSE TO DEFENDANTS'
MOTION FOR SUMMARY JUDGMENT - 3

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FREY BUCK, P.S.
1200 FIFTH AVENUE, SUITE 1900
SEATTLE, WA 98101
P: (206) 486-8000 F: (206) 902-9660